This document summarizes the federal and state requirements for selling and giving foods and beverages to students from school stores, kiosks, and other school-based enterprises on school premises in Connecticut public schools that:

- participate in the U.S. Department of Agriculture's (USDA) National School Lunch Program (NSLP); and
- choose to implement the healthy food option of Healthy Food Certification (HFC) under Section 10-215f of the Connecticut General Statutes (C.G.S.).



For guidance on how the federal and state requirements apply to different sources of foods and beverages in HFC public schools, refer to the Connecticut State Department of Education's (CSDE) resources, Requirements for Competitive Foods in HFC Public Schools and Summary Chart: Federal and State Requirements for Competitive Foods in HFC Public Schools. The CSDE's Guide to Competitive Foods in HFC Public Schools provides detailed guidance on the requirements for competitive foods in HFC public schools. For more information on HFC, visit the CSDE's HFC webpage.

Overview of Federal and State Requirements

All foods available for sale to students from school stores on school premises must comply with the Connecticut Nutrition Standards (CNS). All beverages available for sale to students from school stores on school premises must comply with the state beverage statute (C.G.S. Section 10-221q). Beverages available for sale to students on school premises during the school day must also comply with the USDA's Smart Snacks nutrition standards (81 FR 50131).

Only the Smart Snacks **beverage** standards apply to HFC public schools. The food standards do not apply because the state HFC statute (C.G.S Section 10-215f) requires compliance with the stricter CNS, which supersedes the Smart Snacks food standards. The references to Smart Snacks in this document refer to the beverage standards. For a comparison of the CNS and Smart Snacks, refer to the CSDE's resource, *Comparison of the Connecticut Nutrition Standards and the USDA's Smart Snacks Nutrition Standards*.

In addition to the nutrition standards, school stores must also comply with the following federal and state requirements:

- Connecticut's statute requiring the sale of nutritious and low-fat foods (C.G.S. Section 10-221p);
- Connecticut's competitive foods regulations (Sections 10-215b-1 and 10-215b-23 of Regulations of Connecticut State Agencies); and
- the local educational agency's (LEA) school wellness policy, as required by the USDA's school wellness policy legislation (Section 4 of Public Law 108-265 and the Healthy, Hunger-Free Kids Act of 2010).

These federal and state requirements determine what and when foods and beverages may be sold or given to students from school stores on school premises in HFC public schools. They also regulate the accrual of income from sales of foods and beverages to students.

- "Sales" means the exchange of a determined amount of money or its equivalent (such as tickets, coupons, tokens, and similar items) for foods and beverages. Sales also include programs and activities that charge a fee that includes the cost of foods and beverages provided to students, and activities that suggest a student donation in exchange for foods and beverages. Under Connecticut's statutes and regulations for competitive foods, sales include tickets and similar items that are given to students (such as food rewards), and can be exchanged for foods and beverages.
- "Giving" means that foods and beverages are provided free of any charge, contribution, or suggested donations; and without the exchange of tickets, coupons, tokens, and similar items to obtain foods and beverages.
- "School premises" include all areas of the property under the jurisdiction of the local or regional board of education, the regional vocational-technical school system (Connecticut Technical Education and Career System (CTECS)), or the governing authority district or school.



When the Requirements Apply

When the federal and state requirements differ, the stricter requirements apply. Some of the federal requirements are stricter than the state requirements, and some of the state requirements are stricter than the federal requirements. Some requirements apply during the school day, while others apply at all times or while Child Nutrition Programs (CNPs) are operating.

- The "school day" is the period from the midnight before to 30 minutes after the end of the official school day. For example, if school ends at 3:00 p.m., the school day is from midnight to 3:30 p.m. A summer school program operated by the board of education or school governing authority is part of the regular school day.
- The CNPs include the NSLP, School Breakfast Program (SBP), Afterschool Snack Program
 (ASP) of the NSLP, Seamless Summer Option (SSO) of the NSLP, Special Milk Program
 (SMP), Fresh Fruit and Vegetable Program (FFVP), Child and Adult Care Food Program
 (CACFP) At-risk Afterschool Meals operated in schools, and Summer Food Service
 Program (SFSP) operated in schools.

Table 1 summarizes when the federal and state requirements apply to school stores in HFC public schools, which foods and beverages they regulate, and whether they apply to selling or giving foods and beverages to students.

Table 1. Summary of requirements for school stores in HFC public schools							
Requirement	Applies to	When applies	Applies to				
			Selling	Giving			
Connecticut Nutrition Standards (C.G.S. Section 10-215e)	All foods available for sale to students on school premises separately from reimbursable meals through the CNPs, and all foods served in reimbursable ASP snacks (refer to "Allowable Foods" in this document).	At all times. ¹	Yes	No			
State beverage statute (C.G.S. Section 10- 221q)	All beverages available for sale to students on school premises, as part of and separately from reimbursable meals and ASP snacks through the CNPs (refer to "Allowable Beverages" in this document).	At all times. 1	Yes	No			

Table 1. Summary of requirements for school stores in HFC public schools, continued							
Requirement	Applies to	When applies	Applies to				
			Selling	Giving			
USDA's Smart Snacks (81 FR 50131)	All beverages available for sale to students on school premises, separately from reimbursable meals and snacks through the CNPs (refer to "Allowable Beverages" in this document).	During the school day.	Yes	No			
	Note: While Smart Snacks addresses foods and beverages, only the beverage standards apply to HFC public schools. The food standards do not apply because the state HFC statute (C.G.S Section 10-215f) requires compliance with the stricter CNS.						
State statute for nutritious and low-fat foods (C.G.S. Section 10-221p)	All sales of foods to students on school premises during the school day, separately from reimbursable meals and snacks through the CNPs (refer to "State Statute Requiring Nutritious and Low-fat Foods" in this document).	During the school day.	Yes	No			
Section 10- 215b-1 of the state competitive foods regulations	Selling and giving candy, coffee, tea, and soft drinks to students from school stores on school premises while any CNPs are operating, regardless of when students will receive or consume the foods (refer to "Section 10-215b-1: Restrictions for candy, coffee, tea, and soft drinks" in this document).	From 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day.	Yes	Yes			

Table 1. Summary of requirements for school stores in HFC public schools, continued						
Requirement	Applies to	When applies	Applies to			
			Selling	Giving		
Section 10- 215b-23 of the state competitive foods regulations	Accrual of income from all sales of foods and beverages to students from school stores on school premises while any CNPs are operating, regardless of when students will receive or consume the foods (refer to "Section 10-215b-23: Accrual of income" in this document).	From 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day.	Yes	No		
School Wellness Policy (Section 4 of Public Law 108-265 and the Healthy, Hunger-Free Kids Act (HHFKA) of 2010)	Selling and giving foods and beverages to students from school stores on school premises (refer to "USDA School Wellness Policy Requirements" in this document). ²	During the school day.	Yes	Yes		

- The state HFC and beverage statutes specifically prohibit food and beverage exemptions for school stores. All foods available for sale to students from school stores must **always** comply with the CNS. All beverages available for sale to students from school stores must **always** comply with the state beverage statute.
- The LEA's school wellness policy must include locally determined standards and nutrition guidelines for all foods and beverages and beverages available for sale to students, and provided to students free of any charge, on school premises during the school day (refer to "USDA School Wellness Policy" in this document).

Allowable Foods

All commercial food products and foods made from scratch available for sale to students from school stores must comply with the CNS at all times. For information on the specific CNS requirements, refer to the CSDE's resources, *Summary of Connecticut Nutrition Standards* and *Connecticut Nutrition Standards* (presentation), and visit the CSDE's CNS webpage.

The state HFC statute specifically prohibits food exemptions for school stores. Foods that do not comply with the CNS can **never** be sold to students from school stores.

The CNS applies to the amount of the food **as served**, including any added accompaniments such as butter, margarine, cream cheese, jelly, mayonnaise, ketchup, mustard, relish, salad dressing, sauce, and gravy. When a food includes an accompaniment (such as a bagel with cream cheese or pancakes with butter and syrup), the nutrition information for the **food and accompaniments** must be added together to refer to the serving for CNS compliance.

Commercial products

The serving of a commercial product (including any added accompaniments) must meet each nutrition standard for the applicable CNS food category. The CSDE's List of Acceptable Foods and Beverages webpage identifies commercial food products that comply with the CNS. For more information, refer to the CSDE's resources, *How to Evaluate Purchased Foods for Compliance with the CNS* and *Submitting Food and Beverage Products for Approval*.

Foods made from scratch

The serving of a recipe (including any added accompaniments) must meet each nutrition standard for the applicable CNS food category. Recipes with nutrition information are required for two categories of foods: 1) foods prepared from scratch; and 2) foods with other ingredients added after purchasing, e.g., popping popcorn kernels in oil, assembling a sandwich, making muffins from a mix and adding butter and eggs, and adding sprinkles to commercial frozen sugar cookie dough.



School store operators must document each recipe's CNS compliance **before** selling these foods to students. Documentation requires two steps: 1) obtaining or developing a standardized recipe that

indicates the required nutrition information per serving (calories, fat, saturated fat, trans fat, sodium, and sugars); and 2) using the appropriate CNS worksheet to compare the recipe's nutrition information per serving (including any added accompaniments) with the required nutrition standards for the applicable CNS food category. Schools must maintain this information on file for the CSDE's annual HFC documentation review.

For more information on evaluating recipes for CNS compliance, refer to the CSDE's resources, Guidance on Evaluating Recipes for Compliance with the CNS and How to Evaluate Foods Made from Scratch for Compliance with the CNS, and visit the "How To" section of the CSDE's CNS webpage. The CNS worksheets are available in the "CNS Worksheets" section of the CSDE's CNS webpage.

Allowable Beverages

All beverages available for sale to students in Connecticut public schools must comply with the state beverage statute (C.G.S. Section 10-221q) and any stricter Smart Snacks requirements. The state beverage statute applies at **all times** to all beverages available for sale to students on school premises, including beverages sold as part of and separately from reimbursable meals. Smart Snacks applies to all beverages sold separately from reimbursable meals to students on school premises **during the school day**. The CSDE's List of Acceptable Foods and Beverages webpage identifies commercial beverage products that comply with the state beverage statute and the Smart Snacks beverage standards.

School stores can sell only the following five categories of beverages to students: milk; 100 percent juice; nondairy milk substitutes; beverages containing only water and juice; and water. Each category must meet the specific nutrition requirements of the federal and state beverage standards. For information on these requirements, refer to the CSDE's resources, *Allowable Beverages in Connecticut Public Schools* and *Beverage* Requirements for Connecticut Public Schools (presentation), and visit the CSDE's Beverage Requirements webpage.



The state beverage statute specifically prohibits beverage exemptions for school stores. Beverages that do not comply with the state beverage statute (such as juice drinks, soda, coffee, tea, sports drinks, and sweetened water) can **never** be sold to students from school stores.

State Statute Requiring Nutritious and Low-fat Foods

C.G.S. Section 10-221p requires that whenever foods are available for sale to students separately from reimbursable meals during the school day, nutritious and low-fat foods must also be available for sale at the same time, either at the location of the food sales or elsewhere in the school. The statute defines "nutritious and low-fat foods" as low-fat dairy foods (such as low-fat cheese and low-fat or nonfat yogurt) and fresh or dried fruit. Low-fat milk is a beverage and cannot be used to meet the statutory requirement for low-fat foods.

School stores that sell foods to students during the school day must also sell low-fat dairy foods and fresh or dried fruit, unless these foods are available for sale to students elsewhere on school premises at the same time. For sales that consist of preordered foods, the nutritious low-fat foods specified in the statute must be available for sale when students **receive** the foods, not when students order the foods. For more information on C.G.S. Section 10-221p, refer to the CSDE's resource, *Questions and Answers on Connecticut Statutes for School Foods and Beverages*.

State Competitive Foods Regulations

Sections 10-215b-1 and 10-215b-23 of the Regulations of Connecticut State Agencies restrict candy, coffee, tea, and soft drinks; and regulate the accrual of income from all foods and beverages sold to students anywhere on school premises. In addition to selling and giving foods and beverage to students from school stores, these restrictions apply to:

- tickets, coupons, tokens, and similar items that students can exchange for foods and beverages from school stores (including tickets and similar items that are sold or given to students);
- student orders for foods and beverages from school stores; and
- distribution of foods and beverages to students from school stores.

Sections 10-215b-1 and 10-215b-23 apply regardless of when students will consume the foods and beverages.

Section 10-215b-1: Restrictions for candy, coffee, tea, and soft drinks

Section 10-215b-1 of the state competitive foods regulations prohibits selling and giving candy, coffee, tea, and soft drinks to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs.

- "Candy" includes all types of regular and sugar-free varieties, such as chocolates, chocolatecovered nuts and fruits, hard candies, jelly candies (e.g., gumdrops and gummies), and breath mints.
- "Coffee" and "tea" include all types, e.g., regular, decaffeinated, herbal and iced.
- "Soft drinks" include all beverages (with or without carbonation) that contain water and/or juice and added sweeteners (including nutritive sweeteners and artificial or natural nonnutritive sweeteners) and may also contain other ingredients such as edible acids, natural or artificial flavors and colors, and added nutrients. Examples of soft drinks include soda (regular and diet), sports drinks (regular, low-calorie, and zero calorie), sweetened beverages (with or without carbonation) that are not 100 percent juice (such as lemonade and fruit punch drinks), and flavored water with added sweeteners.

Depending on when CNPs operate, the CNS, state beverage statute, and Smart Snacks beverage standards may supersede Section 10-215b-1; or Section 10-215b-1 may supersede the CNS, state beverage statute, and Smart Snacks beverage standards. These requirements are summarized below.

- Selling candy, coffee, tea, and soft drinks: The CNS and state beverage statute supersede Section 10-215b-1 because they apply at all times, not just while CNPs are operating. School stores are not eligible for food and beverage exemptions under the state HFC beverage statutes; they can never sell candy, coffee, tea, and soft drinks to students.
- Giving candy, coffee, tea, and soft drinks: The CNS, Smart Snacks beverage standards, and state beverage statute do not apply when foods and beverages are given to students. However, Section 10-215b-1 prohibits giving candy, coffee, tea, and soft drinks to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the SBP operates from 7:00 a.m. to 8:00 a.m., the NSLP operates from 11:30 a.m. to 1:00 p.m., and the ASP operates from 3:30 p.m. to 4:30 p.m., school stores cannot give candy, coffee, tea, and soft drinks to students on school premises from 6:30 a.m. to 8:30 a.m., 11:00 a.m. to 1:30 p.m., and 3:00 p.m. to 5:00 p.m. Examples include:
 - o school stores that dispense candy, coffee, tea, and soft drinks to students; and

o school stores where students can exchange coupons, tickets, tokens and similar items for candy, coffee, tea, and soft drinks.

The CSDE strongly encourages schools to promote consistent health messages to students by eliminating candy, coffee, tea, and soft drinks on school premises. For more information, refer to the CSDE's resources, *Healthy Fundraising, Healthy Celebrations* and *Alternatives to Food Rewards*.

Section 10-215b-23: Accrual of income

Section 10-215b-23 of the state competitive foods regulations requires that the gross income from all foods and beverages sold to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs must accrue to the nonprofit food service account. The nonprofit food service account is the restricted revenue account used only for the operation or improvement of the nonprofit school food service.

All school store sales of foods and beverages to students on school premises during this time must comply with this regulation, including:

- sales of foods that comply with the CNS;
- sales of beverages that comply with Smart Snacks and the state beverage statute;
- student orders for foods and beverages from school stores; and
- sales of tickets, coupons, tokens, and similar items that students can exchange for foods and beverages from school stores.



For example, if the SBP operates from 7:00 a.m. to 8:00 a.m., the NSLP operates from 11:30 a.m. to 1:00 p.m., and the ASP operates from 3:30 p.m. to 4:30 p.m., the nonprofit food service account must receive the school store's income from all foods and beverages sold to students on school premises from 6:30 a.m. to 8:30 a.m., 11:00 a.m. to 1:30 p.m., and 3:00 p.m. to 5:00 p.m. For more information, refer to the CSDE's *Overview of Connecticut's Competitive Foods Regulations* and Operational Memorandum No. 1-18: *Accrual of Income from Sales of Competitive Foods in Schools*.

USDA School Wellness Policy Requirements

The LEA's school wellness policy may have additional local requirements for selling and giving foods and beverages to students. The Child Nutrition and WIC Reauthorization Act of 2004 (Section 4 of Public Law 108-265) required all schools and institutions participating in the NSLP and SBP to develop a school wellness policy by the first day of school year 2006-07. The Healthy, Hunger-Free Kids Act of 2010 strengthened the SWP law by adding requirements for public participation, transparency, and implementation.

Among other requirements, the LEA's school wellness policy must include nutrition guidelines for all foods and beverages that are sold or given to students on school premises during the school day. At a minimum, the LEA's school wellness policy for foods and beverages must meet all applicable federal and state nutrition standards and requirements. For more information on school wellness policies, visit the CSDE's School Wellness Policies webpage.

Resources

Allowable Beverages in Connecticut Public Schools (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/

Allowable_Beverages_Public_Schools.pdf

Beverage Requirements (CSDE webpage):

https://portal.ct.gov/SDE/Nutrition/Beverage-Requirements

Beverage Requirements for Connecticut Public Schools (CSDE presentation):

https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/

Beverage_Requirements_Connecticut_Public_Schools_Presentation.pdf

Connecticut General Statutes for School Foods and Beverages (CSDE's Laws and Regulations for Child Nutrition Programs webpage):

https://portal.ct.gov/SDE/Nutrition/Laws-and-Regulations-for-Child-Nutrition-Programs#ConnecticutGeneralStatutes

Connecticut Nutrition Standards (CSDE webpage):

https://portal.ct.gov/SDE/Nutrition/Connecticut-Nutrition-Standards

Connecticut Regulations for Competitive Foods (CSDE's Laws and Regulations for Child Nutrition Programs webpage):

https://portal.ct.gov/SDE/Nutrition/Laws-and-Regulations-for-Child-Nutrition-Programs#ConnecticutRegulations

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Complying with Healthy Food Certification (CSDE presentation):
   https://portal.ct.gov/-/media/SDE/Nutrition/HFC/
   Complying_Healthy_Food_Certification_Presentation.pdf
Connecticut Nutrition Standards (CSDE presentation):
   https://portal.ct.gov/SDE/Nutrition/Connecticut-Nutrition-Standards//-
   /media/SDE/Nutrition/HFC/CNS/Connecticut_Nutrition_Standards_Presentation.pdf
CSDE Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in
   Schools:
   https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/Memos/OM2018/OM01-18.pdf
Evaluate Foods for CNS Compliance ("How To" section of CSDE's Connecticut Nutrition
   Standards webpage):
   https://portal.ct.gov/SDE/Nutrition/Connecticut-Nutrition-Standards/How-To
Guidance on Evaluating Recipes for Compliance with the Connecticut Nutrition Standards (CSDE):
   https://portal.ct.gov/-/media/SDE/Nutrition/HFC/
   Evaluating_Recipes_CNS_Compliance.pdf
Guide to Competitive Foods in HFC Public Schools (CSDE):
   https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/
   Competitive_Foods_Guide_HFC.pdf
Healthy Food Certification (CSDE webpage):
   https://portal.ct.gov/SDE/Nutrition/Healthy-Food-Certification
How to Evaluate Foods Made from Scratch for Compliance with the CNS (CSDE):
   https://portal.ct.gov/-/media/SDE/Nutrition/HFC/
   Evaluate_Scratch_Foods_CNS_Compliance.pdf
How to Evaluate Purchased Foods for Compliance with the CNS (CSDE):
   https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Evaluate_Purchased_Foods_CNS.pdf
List of Acceptable Foods and Beverages (CSDE webpage):
   https://portal.ct.gov/SDE/Nutrition/List-of-Acceptable-Foods-and-Beverages
Overview of Connecticut's Competitive Foods Regulations (CSDE):
   https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/
   Overview_CT_Competitive_Foods_Regulations.pdf
Overview of Federal and State Laws for Competitive Foods in Connecticut Public Schools, Private
   Schools, and Residential Child Care Institutions (CSDE):
   https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/
   Overview_Federal_State_Laws_Competitive_Foods.pdf
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Questions and Answers on Connecticut Statutes for School Foods and Beverages:
   https://portal.ct.gov/-/media/SDE/Nutrition/HFC/
   Questions_Answers_Connecticut_Statutes_School_Foods_Beverages.pdf
Requirements for Beverages Containing Water and Juice (CSDE):
   https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/
   Requirements_Water_Juice_Beverages.pdf
Requirements for Competitive Foods in HFC Public Schools (CSDE):
   https://portal.ct.gov/-/media/SDE/Nutrition/HFC/
   Requirements_Competitive_Foods_HFC.pdf
Resources for Meeting the Federal and State Requirements for Competitive Foods in Schools (CSDE):
   https://portal.ct.gov/-/media/SDE/Nutrition/HFC/
   Resources_Federal_State_Requirements_Competitive_Foods.pdf.
School Stores (Related Resources section of CSDE's HFC webpage):
   https://portal.ct.gov/SDE/Nutrition/Healthy-Food-Certification/Related-
   Resources#SchoolStores
Smart Snacks Nutrition Standards (CSDE webpage):
   https://portal.ct.gov/SDE/Nutrition/Smart-Snacks-Nutrition-Standards
Summary Chart: Federal and State Requirements for Competitive Foods in HFC Public Schools
   (CSDE):
   https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/
   Summary_Chart_Requirements_Competitive_Foods_HFC.pdf
Summary of Connecticut Nutrition Standards (CSDE):
   https://portal.ct.gov/-/media/SDE/Nutrition/HFC/
   CNS/Connecticut_Nutrition_Standards_Summary.pdf
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For more information, visit the CSDE's Healthy Food Certification and Connecticut Nutrition Standards webpages or contact the HFC Coordinator in the CSDE's Bureau of Health/Nutrition, Family Services and Adult Education, 450 Columbus Boulevard, Suite 504, Hartford, CT 06103-1841.

This document is available at https://portal.ct.gov/-/media/SDE/Nutrition/HFC/School_Store_Requirements_HFC.pdf.

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- mail: U.S. Department of Agriculture
 Office of the Assistant Secretary for Civil Rights
 1400 Independence Avenue, SW
 Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or

(3) email: program.intake@usda.gov.

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